

SENATE BILL 75

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SB 213/02 - EHE

2003 Regular Session
3lr0658

By: **Senators Dyson, Colburn, DeGrange, Frosh, Giannetti, Harris, Hooper, Kittleman, Lawlah, Mooney, and Stone**

Introduced and read first time: January 20, 2003
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 14, 2003

CHAPTER _____

1 AN ACT concerning

2 **Public Charter School Act of 2003**

3 FOR the purpose of establishing the Maryland Public Charter School Program;
4 adding a certain definition; establishing certain authority in certain boards;
5 specifying certain charter school application requirements; prohibiting a ~~county~~
6 ~~board~~ public chartering authority from granting a charter to certain schools;
7 requiring a county board to review an application to establish a charter school
8 and render a decision within a certain time period; establishing a certain
9 appeals process; requiring the State Board of Education to render a certain
10 decision within a certain time period; establishing a certain certification
11 requirement; requiring a public charter school to comply with certain provisions
12 of law; authorizing a public charter school to apply for a certain waiver;
13 prohibiting the granting of a waiver from certain provisions of law; providing for
14 certain bargaining rights for certain employees; providing for the negotiation of
15 certain amendments to certain collective bargaining agreements; requiring a
16 county board to disburse a certain amount of money to a public charter school;
17 authorizing certain boards to give educational materials, supplies, furniture,
18 and other equipment to a public charter school; requiring county boards to
19 develop a certain policy; establishing a certain liaison for the Program; requiring
20 the State Department of Education to create and disseminate to each local board
21 of education a certain model public charter school policy by a certain date;
22 requiring the State Board to submit a certain report on or before a certain date;
23 defining certain terms; and generally relating to the Maryland Public Charter
24 School Program.

25 BY repealing and reenacting, with amendments,
26 Article - Education

1 Section 6-401(e) and 6-501(g)
 2 Annotated Code of Maryland
 3 (2001 Replacement Volume and 2002 Supplement)

4 BY adding to
 5 Article - Education
 6 Section 9-101 through ~~9-106~~ 9-109, inclusive, to be under the new title "Title 9.
 7 Maryland Public Charter School Program"
 8 Annotated Code of Maryland
 9 (2001 Replacement Volume and 2002 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Education**

13 6-401.

14 (e) "Public school employer" means a county board of education [or], the
 15 Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL, AS
 16 DEFINED IN TITLE 9 OF THIS ARTICLE.

17 6-501.

18 (g) (1) "Public school employer" means the county board in each county, OR A
 19 PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.

20 (2) "Public school employer" includes the Baltimore City Board of School
 21 Commissioners.

22 TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

23 9-101.

24 (A) THERE IS A MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

25 (B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN
 26 ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO
 27 PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL
 28 APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.

29 9-102.

30 IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

31 (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND
 32 OPERATIONS;

- 1 (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR
2 CHILDREN;
- 3 (3) IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND
4 ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE
5 ACCOMMODATED;
- 6 (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING
7 PUBLIC SCHOOL;
- 8 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
9 EDUCATION OR BOTH;
- 10 (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL
11 OBJECTIVES;
- 12 (7) IS TUITION-FREE;
- 13 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING
14 DISCRIMINATION;
- 15 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY
16 LAWS; ~~AND~~
- 17 (10) IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS
18 WITH DISABILITIES ACT, 20 U.S.C. 1400 ET SEQ.;
- 19 (11) OPERATES UNDER THE SUPERVISION OF THE PUBLIC CHARTERING
20 AUTHORITY FROM WHICH ITS CHARTER IS GRANTED AND IN ACCORDANCE WITH ITS
21 CHARTER AND, EXCEPT AS PROVIDED IN § 9-106 OF THIS SUBTITLE, THE PROVISIONS
22 OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS;
- 23 (12) REQUIRES STUDENTS TO BE PHYSICALLY PRESENT ON SCHOOL
24 PREMISES FOR A PERIOD OF TIME SUBSTANTIALLY SIMILAR TO THAT WHICH OTHER
25 PUBLIC SCHOOL STUDENTS SPEND ON SCHOOL PREMISES; AND
- 26 (13) IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE
27 APPROPRIATE COUNTY BOARD POLICY.
- 28 9-103.

29 (A) THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF
30 ~~CHARTERS~~ A CHARTER SHALL BE THE A COUNTY BOARD BOARD OF EDUCATION.

31 (B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING
32 OF ~~CHARTERS~~ A CHARTER SHALL BE THE STATE BOARD ACTING IN ITS APPEAL
33 REVIEW CAPACITY.

34 ~~(C) THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING~~
35 ~~AUTHORITIES.~~

1 9-104.

2 (A) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL
3 BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER
4 SCHOOL WILL BE LOCATED.

5 (2) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE
6 SUBMITTED TO A COUNTY BOARD BY:

7 (I) THE STAFF OF A PUBLIC SCHOOL;

8 (II) A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS A
9 PUBLIC SCHOOL IN THE COUNTY;

10 (III) A NONSECTARIAN NONPROFIT ENTITY;

11 (IV) ~~AN~~ A NONSECTARIAN INSTITUTION OF HIGHER EDUCATION IN
12 THE STATE; OR

13 (V) ANY COMBINATION OF PERSONS SPECIFIED IN ITEMS (I)
14 THROUGH (IV) OF THIS PARAGRAPH.

15 (3) A ~~COUNTY BOARD~~ PUBLIC CHARTERING AUTHORITY MAY NOT
16 GRANT A CHARTER UNDER THIS TITLE TO:

17 (I) A PRIVATE SCHOOL;

18 (II) A PAROCHIAL SCHOOL; OR

19 (III) A HOME SCHOOL.

20 (4) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER
21 A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

22 (B) (1) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A
23 PUBLIC CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE
24 STATE BOARD, IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

25 (2) THE STATE BOARD SHALL RENDER A DECISION WITHIN 120 DAYS OF
26 THE FILING OF AN APPEAL UNDER THIS SUBSECTION.

27 9-105.

28 A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
29 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

30 9-106.

31 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PUBLIC CHARTER
32 SCHOOL SHALL COMPLY WITH THE PROVISIONS OF LAW AND REGULATION
33 GOVERNING OTHER PUBLIC SCHOOLS.

1 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A WAIVER OF THE
2 REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION MAY BE SOUGHT
3 THROUGH AN APPEAL TO THE STATE BOARD.

4 (C) A WAIVER MAY NOT BE GRANTED FROM PROVISIONS OF LAW OR
5 REGULATION RELATING TO:

6 (1) AUDIT REQUIREMENTS;

7 (2) THE MEASUREMENT OF STUDENT ACADEMIC ACHIEVEMENT,
8 INCLUDING ALL ASSESSMENTS REQUIRED FOR OTHER PUBLIC SCHOOLS AND OTHER
9 ASSESSMENTS MUTUALLY AGREED UPON BY THE PUBLIC CHARTERING AUTHORITY
10 AND THE SCHOOL; OR

11 (3) THE HEALTH, SAFETY, OR CIVIL RIGHTS OF A STUDENT OR AN
12 EMPLOYEE OF THE CHARTER SCHOOL.

13 9-107.

14 (A) EMPLOYEES OF A PUBLIC CHARTER SCHOOL:

15 (1) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(D) AND
16 6-501(F) OF THIS ARTICLE;

17 (2) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§
18 6-401(E) AND 6-501(G) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC
19 CHARTER SCHOOL IS LOCATED; AND

20 (3) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4
21 AND 5 OF THIS ARTICLE.

22 (B) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4
23 OR 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY WHERE A PUBLIC
24 CHARTER SCHOOL IS LOCATED, THE EMPLOYEE ORGANIZATION AND THE PUBLIC
25 CHARTER SCHOOL MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE
26 EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC
27 CHARTER SCHOOL.

28 9-108.

29 (A) A COUNTY BOARD SHALL DISBURSE TO A PUBLIC CHARTER SCHOOL AN
30 AMOUNT OF COUNTY, STATE, AND FEDERAL MONEY FOR ELEMENTARY, MIDDLE, AND
31 SECONDARY STUDENTS THAT IS COMMENSURATE WITH THE AMOUNT DISBURSED
32 TO OTHER PUBLIC SCHOOLS IN THE LOCAL JURISDICTION.

33 (B) THE STATE BOARD OR THE COUNTY BOARD MAY GIVE SURPLUS
34 EDUCATIONAL MATERIALS, SUPPLIES, FURNITURE, AND OTHER EQUIPMENT TO A
35 PUBLIC CHARTER SCHOOL.

1 9-109.

2 (A) (1) EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL
3 POLICY AND SUBMIT IT TO THE STATE BOARD.

4 (2) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
5 SHALL INCLUDE GUIDELINES AND PROCEDURES REGARDING:

6 (I) EVALUATION OF PUBLIC CHARTER SCHOOLS;

7 (II) REVOCAION OF A CHARTER;

8 (III) REPORTING REQUIREMENTS; AND

9 (IV) FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDITS OF
10 PUBLIC CHARTER SCHOOLS.

11 (B) THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS
12 A CONTACT PERSON FOR THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the State Department
14 of Education shall create and disseminate to each local board of education model
15 public charter school policy language which can be used to create a public charter
16 school policy as required by this Act. Each local board of education shall submit its
17 public charter school policy to the State Board of Education by November 1, 2003.

18 SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1,
19 2006, based on information gathered from each local board of education, the Board of
20 School Commissioners of Baltimore City, and the public, the State Board of Education
21 shall submit to the General Assembly, in accordance with § 2-1246 of the State
22 Government Article, a report including an evaluation of the public charter school
23 program. The report shall address the advisability of the continuation, modification,
24 expansion, or termination of the program.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October ~~July~~ 1, 2003.